IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	DOCKET NO. 3:19-CR-00452-X
	§	
BRIAN CARPENTER	§	

DEFENDANT'S MOTION TO PRODUCE ARRANGEMENTS MADE WITH OR ENTENDED TO GOVERNMENT WITNESSES WITH BRIEF IN SUPPORT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, Brian Carpenter, by and through his counsel of record, and respectfully submits this Motion to Produce Arrangements Made With or Extended to Government Witnesses with Brief in Support and respectfully moves the Court for an Order directing the Government to reveal any arrangements, promises, or benefits made with or extended to any Government witnesses, no later than thirty days prior to trial, and in support thereof would show the Court as follows:

I. MOTION

The Defendant respectfully moves for an Order directing the Government to notify the Defendant, in writing and in detail, the extent and scope of all plea agreements, supplements to such agreements (whether under seal or not), offers of immunity, promises of leniency, threats of prosecution, promises of assistance, or any other benefits which have been or will be extended to any person who may be called as a witness by the Government, or who has provided any information to the Government or cooperated with the Government in any way regarding the charges against the Defendant, Brian Carpenter. The Defendant respectfully requests that the Court order the foregoing to be produced no later than thirty days prior to trial.

II. BRIEF

A Defendant is constitutionally entitled to be informed of and to display to a jury at trial any agreements, promises of immunity or leniency, threats of prosecution, promises of assistance, or any benefits extended to any Government witness in order to secure his or her testimony. The withholding of such evidence constitutes a denial to the Defendant of his constitutionally protected rights to due process and fundamental fairness. *See, e.g., Giglio v. United States*, 405 U.S. 150 (1972); *Brady v. Maryland*, 737 U.S. 83 (1963). Such evidence is not only exculpatory in the sense that it is a legitimate ground for impeachment of any witness that the Government may call against the Defendant, *Williams v. Dutton*, 400 F.2d 797 (5th Cir. 1968), but it is also discoverable by the Defendant in order to show a Government witness' bias or prejudice in testifying at trial. *Davis v. Alaska*, 415 U.S. 308 (1974).

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this motion be in all things GRANTED.

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Respectfully submitted,

  /s/ Daniel K. Hagood, P.C.

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COUNSEL FOR DEFENDANT CARPENTER

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CERTIFICATE OF CONFERENCE

I hereby certify that I have attempted to confer with USDOJ Trial Attorney Brynn Schiess regarding the foregoing motion, but have not yet been able to do so. Accordingly, the foregoing motion is submitted on the presumption that she is opposed to the filing of same. I further certify that I have conferred with counsel of record for Defendant Hawrylak regarding the foregoing motion and that he is unopposed to the filing of same.

 /s/ Daniel K. Hagood
DANIEL K. HAGOOD, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2019, a true and correct copy of the foregoing motion was filed with the Clerk of the Court for the United States District Court, Northern District of Texas using the electronic case filing system, which provides for service upon all counsel of record.

 /s/ Daniel K. Hagood
DANIEL K. HAGOOD, P.C.